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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,713	01/21/2004	Pei-Yuan Lee	3304.2.116	3703
21552	7590	05/26/2005	EXAMINER	
MADSON & METCALF GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			CHOI, STEPHEN	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/761,713

Applicant(s)

LEE, PEI-YUAN

Examiner

Stephen Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-20 is/are pending in the application.  
4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 6-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/21/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group II, Species A in the reply filed on 09 May 2005 is acknowledged. Claims 16-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Cutter (US 3,967,336).

Cutter discloses all the recited elements of the invention including:

- a) a base (10);
- b) a punching structure (92);
- c) a transmitting shaft (44);
- d) a first handle member (24) attachable to detachable from a first end of the shaft.

It is noted that the recitation "any of a first end and a second end" includes the handle member mounted on at least one end of the shaft or both ends of the shaft.

Regarding claim 13, a casing (12).

3. Claims 6, 9, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Frederick (US 2,898,613).

Frederick discloses all the recited elements of the invention including:

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- e) a base (11);
- f) a punching structure (26);
- g) a transmitting shaft (53, 21);
- h) a first handle member (22) attachable to detachable from a first end of the shaft.

Regarding claim 9, a positioning pin (23). Regarding claim 13, a casing (15).

4. Claims 6, 10 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Stuckens (US 3,060,780).

Stuckens discloses all the recited elements of the invention including:

- i) a base (23);
- j) a punching structure (35);
- k) a transmitting shaft (80);
- l) a first handle member (25) attachable to detachable from a first end of the shaft.

Regarding claim 10, a stopper (76) wherein the stopper and the first handle member being exchangeably disposed at the ends of the shaft (the stopper and the first handle member is detachably exposed at the ends of the shaft in such a way they can be exchangeably disposed on opposite sides from the position shown on Figure 1 when the shaft is reversed). Regarding claim 13, a casing (22).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuckens.

Stuckens discloses the invention substantially as claimed except for hexagonal posts at the ends of the shaft and a hollow hexagonal end on the first handle member and the stopper, a positioning pin penetrating a hole on the shaft and the first handle member. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ hexagonal members on the shaft, the first handle member, and the stopper with a positioning pin as claimed since the examiner takes Official Notice on the use of such a locking arrangement as old and well known in the handle art for intermittingly and detachably locking two operating parts together.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brekke, Spinner et al., Huang, and Chen are cited to show related devices.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Friday 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC  
24 May 2005



**STEPHEN CHOI**  
**PRIMARY EXAMINER**